

# **CITY OF NEWPORT DOCKET OF THE COUNCIL MEETING FEBRUARY 22, 2012**

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on February 22, 2012, at 6:30 p.m.

## ***PLEDGE OF ALLEGIANCE TO THE FLAG***

**CITIZEN'S FORUM:** (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
  - a. Minutes of the February 8, 2012, Council Meeting (Approve)
  - b. Special Event Licenses:
    - 1) Friends of Jane Pickens Theater, d/b/a "Red Carpet Gala" Jane Pickens Theater, 49 Touro St., February 26, 2012, from 7:00 p.m. to 12 Midnight.
    - 2) Newport Waterfront Landing, d/b/a St. Patrick's Day Seafood Fest; 30 Bowen's Wharf, March 17 and 18, 2012, from Noon to 8:00 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: [www.cityofnewport.com](http://www.cityofnewport.com) – "Current Newport City News & Announcements" – Click on "MORE NEWS." Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

- 3) Swanhurst Chorus, d/b/a “Once Upon A Mattress” Dinner Theater; Fenner Hall, 15 Fenner Ave., March 3, 9, 10, 16 and 17, 2012, from 6:30 p.m. to 10:30 p.m., and March 4 and 11, 2012, from 2:00 p.m. to 6:00 p.m.
  - 4) Looking Upwards, Inc., d/b/a Art Opening/Downtown Design; 7 Dr. Marcus F. Wheatland Blvd., March 31, 2012, from 5:00 p.m. to 8:00 p.m.
  - 5) Save the Bay Exploration Center & Aquarium, d/b/a “Green Drinks”; STB Exploration Center & Aquarium, Easton’s Beach, 175 Memorial Blvd., April 5, 2012, from 5:30 p.m. to 8:00 p.m.
  - 6) Cystic Fibrosis Foundation, d/b/a “Great Strides: A Walk-A-Thon to Cure Cystic Fibrosis; May 12, 2012, beginning with registration at 9:00 a.m.; walk begins at 10:00 am. Starting and ending at Brenton Point State Park (route provided on application).
  - 7) Sail Newport, d/b/a “Shipwrecked Party” Fundraiser; 181 Bellevue Ave. (shopping center), May 12, 2012, from 7:00 p.m. to Midnight.
  - 8) RI Soap Box Derby Committee, d/b/a Soap Box Derby; Memorial Boulevard, May 19 (rain date May 20), 2012, from 6:00 a.m. to 2:00 p.m.
  - 9) Newport Festivals Foundation, Inc., d/b/a Newport Festivals Foundation Benefit Concert; Fort Adams State Park, July 27, 2012, from 6:00 p.m. to 9:30 p.m.
  - 10) Newport Festivals Foundation, Inc., d/b/a Newport Folk Festival; Fort Adams State Park, July 28 and 29, 2012, from 11:30 a.m. to 7:00 p.m.
- Communication from Jill Davidson, Festival Director, asking that the max. capacity be increased from 10,000 to 11, 000 for the Folk and Jazz Festivals because of the additional use of the Fort Adams Parade Grounds. (Approve subject to details being worked out with the city administration)

- 11) Newport Festivals Foundation, Inc., d/b/a Newport Jazz Festival; Fort Adams State Park, August 4 and 5, 2012, from 11:30 a.m. to 7:00 p.m.
- 12) Vasco da Gama Society, d/b/a Portuguese Cultural Festival; Touro Park, Bellevue Ave., August 12, 2012, from 11:00 a.m. to 5:00 p.m.
- c. Holiday Selling License, New, Sea Star Collection, LLC, d/b/a The Sea Star Collection, 148 Bellevue Ave.
- d. Request of Don Fitzpatrick, Safety Officer, Newport Little League, asking permission to install informational signs on the Memorial Blvd., median and the rotary at Connell Highway, from February 23 to March 18, 2012. (Approve subject to details being worked out with the city administration)
- e. Annual Report of the Beach Commission (Receive)

### **LICENSES & PERMITS**

- 2. Application of NDC Enterprises, d/b/a Norey's, 156 Broadway, for an Annual Class A (indoor) Entertainment License. (Continued from February 8, 2012; Second Hearing)
- 3. Application of @ The Deck, LLC, d/b/a @ The Deck, 1 Waite's Wharf, to expand its Class A & B Entertainment License by increasing the maximum decibel level, from 65 to 75. (Continued from Feb. 8, 2012; First Hearing)  
-- **Letters of Objection (to Items 3, 4 and 5)**
  - a) John Nicolace, 16 Coddington Wharf
  - b) Chandler Hovey, 11 Kirwin's Lane
  - c) Mike and Marion Maroney, 13 Coddington Wharf
  - d) Caryn Johnston Leahy, David Leahy, 26 Coddington Wharf, #1N, #1S
  - e) Connie and Rick Bischoff, 31 Coddington Wharf, Unit 29
  - f) William and Janice Gaffney, 31 Coddington Wharf, Unit 27
  - g) Lauren and David Thill, 31 Coddington Wharf, Unit 22
  - h) Susan Zacharias, 26 Coddington Wharf
  - i) Richard A. McStay, 31 Coddington Wharf, Units 9 & 10
  - j) Molly and Guillaume de Ramel, 29 Howard St.
  - k) Benjamin C. Riggs, Jr., 15-D Harrington St. (unless at the very least there is a 10 p.m. restriction for outdoor entertainment)
  - l) Catherine Winters, Roseneath Ave.

- m) Alliance for a Livable Newport
- n) Susan Dye, 40 Dearborn St.
- o) Lewis and Trudy Keen, 426 Spring St.
- p) Heather and Michael dePinho, 352 Spring St.
- q) Ron Corriveau, 16 Coddington Wharf, #2

■ Communication from Terence M. Fracassa, Esq., asking to withdraw Items #3 and #4 (requests to increase the max. decibel level to 75), and that a Class B license be granted to Waite's Wharf Grille, LLC (Item #5), subject to the conditions that speakers not face the Coddington Landing Condominiums and live music will not exceed a three-piece band.

■ Communication from Joshua Teverow, Esq., representing the Coddington Landing Condominium Landing Assoc., re: proposed agreement between the parties regarding Docket Items 3, 4 and 5.

■ Memorandum from City Manager Jane Howington , re: Waite's Wharf Entertainment Licenses (Items 3, 4 and 5)

- 4. Application of Dockside North, d/b/a Riptides, 25 Waite's Wharf, Unit B, to expand its Class A & B Entertainment License by increasing the maximum decibel level, from 65 to 75. (Continued from Feb 8, 2012; First Hearing)
- 5. Application of Waite's Wharf Grille, LLC, d/b/a The Boat Dockside, 25 Waite's Wharf, Unit A, for a Class B (outdoor) Entertainment License to allow entertainment on the 30' x 90' Pier off the west side of the building. (Continued from Feb 8, 2012; First Hearing)

■ Communications objecting to the Class B Entertainment License (Item 3):

- a) Susan Dye, 40 Dearborn St.
- b) Alliance for a Livable Newport

- 6. Victualing License, New, Seaport Grille & Raw Bar, LLC, d/b/a The Port, 359 Thames St., Unit C1 (in conjunction with the transfer of the Class BT liquor license of Vader, Inc.)

7. **APPOINTMENTS TO BOARDS AND COMMISSION**

Beach Commission – Reappointment of Patricia Archer

Economic Development Working Group – Turner C. Scott, Kathy Staab, Karl Olsen

## **RESOLUTIONS**

8. Expressing Appreciation to Philip and Patricia Bilden, and others, for their contributions in having utilities along Ocean Avenue placed underground – K. Leonard
9. Recognizing *Newport in Bloom* for its contributions to the City and offering best wishes on the occasion of the organization's 30<sup>th</sup> Anniversary – N. Neville
10. Taxation of Short-term Rentals – H. Winthrop, N. Neville, C. Duncan, J. Napolitano
11. Adopting in Concept The Recommended 2013-2017 Capital Improvement Program

## **ORDINANCES**

12. Amending Chapter 12.36.050 of the Codified Ordinances, entitled, "Newport Tree and Open Space Commission, Section 12.36.050, Paragraph A., "Establishment," to reduce the number of members on the commission, from twelve to nine. (Second Reading)

## **COMMUNICATIONS FROM THE CITY MANAGER**

13. Memorandum from the City Manager, re: Farmers' Market Ordinance Amendment Request
14. Communication #4956/12, re: Award of Contract – Actuarial Services (with accompanying resolution)
15. Communication #4957/12, re: Bid Award for a John Deere 5085M Utility Tractor – Easton's Beach Fund (with accompanying resolution)

RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

## **BOARD OF LICENSE COMMISSIONERS**

### **1. CONSENT CALENDAR**

a. Class F Daily Liquor License:

- 1) Friends of Jane Pickens Theater, d/b/a “Red Carpet Gala”; Jane Pickens Theater, 49 Touro St., February 26, 2012, from 7:00 p.m. to Midnight.
- 2) Looking Upwards, Inc., d/b/a Art Opening/Downtown Design Gallery; 7 Dr. Marcus F. Wheatland Blvd., March 31, 2012, from 5:00 p.m. to 8:00 p.m.
- 3) Save The Bay, d/b/a “Green Drinks”; Save The Bay Exploration Center, Easton’s Beach, April 5, 2012, from 5:30 p.m. to 8:00 p.m.

b. Class F-1 Daily Liquor License:

- Sail Newport, d/b/a “Shipwrecked Party” Fundraiser; 181 Bellevue Ave., from 7:00 p.m. to Midnight.

### **LICENSE AND PERMITS**

2. Application of the Portuguese Benefit Association Vasco da Gama-Holy Ghost, Inc. (Portuguese American Vasco da Gama Holy Ghost Benefit Society, Inc.), d/b/a New Portuguese Benefit, 15 Fenner Avenue, to transfer its Class D alcoholic beverage license to Vasco da Gama Portuguese American Charitable Society, d/b/a Vasco da Gama Portuguese/American Charitable Society, for the same premises. (Hearing)
3. Application of Vader, LLC, d/b/a H2O, 359 Thames St., Unit C1, to transfer its Class BT alcoholic beverage license (which is confined to the restaurant and adjacent patio) to Seaport Grille & Raw Bar, LLC, d/b/a The Port, for the same premises. (Hearing)

#### **Bills of Indebtedness**

- a. Del Nero Laundry: \$ 1,700.60
- b. United Credit Services, Inc.: \$13,907.70

- c. TriMark United East: \$ 1,681.54
- d. The Newport Daily News: \$ 1,797.71

**COMMUNICATIONS FROM THE CITY MANAGER**

- 4. Communication #4949/12, re: Show Cause Hearing – NWPT, Inc., d/b/a One Eighty; Violation of Conditions of Class BV Alcoholic Beverage License and Operating Without a Current License (Continued from Feb. 8, 2012)
- 5. Communication #4950/12, re: Show Cause Hearing – Carter, LLC, d/b/a Speakeasy Bar and Grill; Violation of Conditions of Class BV Alcoholic Beverage License and Operating Without a Current License (Continued from January 25, 2012)
- 6. Communication #4951/12, re: Show Cause Hearing -- Vader, LLC, d/b/a H20; Violation of Conditions of Class BT Alcoholic Beverage License and Operating Without a Current License (Continued from January 25, 2012)

ADJOURN AS BOARD OF LICENSE COMMISSIONERS, RECONVENE AS COUNCIL, AND, BASED UPON AN AFFIRMATIVE VOTE OF THE MAJORITY OF MEMBERS PRESENT, MOVE TO EXECUTIVE SESSION IN THE CONFERENCE ROOM, pursuant to ***Rhode Island General Laws, Section 42-46-1***, as amended, and in accordance with ***Section 42-46-5 Purposes for Which Meeting May be Closed, “(a) (2) Sessions pertaining to collective bargaining or litigation,...”*** to discuss issues relating to pending litigation relative to the Ann Street Pier extension project.

Kathleen M. Silvia  
City Clerk

February 15, 2012

Amended: Feb. 16, 2012